

DRAFT 9/8/04

REISSUANCE
PART I
Page I-1
Permit No. WI-0036498-2

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, the Lac du Flambeau Band of Lake Superior Chippewa Indians is authorized by the United States Environmental Protection Agency (EPA), Region 5, to discharge from a treatment facility operated by the Lac du Flambeau Water and Sewer Department, designated as the Lac du Flambeau Lagoon, located on the Lac du Flambeau Indian Reservation, Vilas County, Lac du Flambeau, Wisconsin (the N.W. quarter of the N.W. quarter of Section 9, Township 40N, Range 5E) to a forested lowland, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

This permit and the authorization to discharge shall expire at midnight, [Insert 5 years from the date of issuance]. The permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the EPA no later than 180 days prior to the above date of expiration.

This permit shall become effective on the date of signature.

Signed and Dated _____, 2004

Draft 9/8/04
Director, Water Division

Treatment Facility Description:

The Lac du Flambeau sewage lagoon includes four cells designed to operate in series. The primary cell is 18.4 acres in area. This cell is aerated with three Pond Doctor Aeration units. The secondary cell is 10 acres in area with one Pond Doctor Aeration unit. The third and fourth cell are 5 acres in area each and are used as seepage cells. If needed, the fourth cell has an outlet structure that discharges to a forested lowland area. The average design flow rate to the lagoon is approximately 180,000 gallons per day.

A. Interim Effluent Limitations

From the Effective Date of the permit until the Expiration Date, the permittee is authorized to discharge from Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below and in Part I.B. A maximum drawdown rate of 6 inches per day from the 5 acre fourth cell (0.8 mgd) was used for calculating pounds.

<u>Effluent Parameter</u>	<u>Controlled Discharge Limitations</u>				
	<u>30-day Average</u>			<u>7-day Average</u>	
	<u>lbs/d</u>	<u>mg/L</u>	<u>% Removal*</u>	<u>lbs/d</u>	<u>mg/L</u>
Biochemical Oxygen Demand (BOD ₅)	200	30	85	300	45
Total Suspended Solids (TSS)	200	30	85	300	45

The pH shall not be less than 6.0 nor greater than 9.0.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The discharge shall not contain oil or other substances in amounts sufficient to create a visible sheen on the surface of the receiving waters.

NOTE: lbs/d = pounds per day
 mg/L = milligrams per liter

* For the average during the discharge period, the effluent concentration shall not exceed 15% of the arithmetic mean of the value for influent samples for BOD₅ and TSS collected during the related treatment period (since last discharge).

B. Final Monitoring Requirementsa. Weekly (specify date)

Odors	(yes/no)
Aquatic Plants	(% of coverage, type)
Floating Mats	(% of coverage, type)
Pond Water Depth	(Nearest inch)
Muskrats, Rodents, etc.	(yes/no)
Dike Condition	(erosion, apparent leaks, etc.)
Ice Cover	(% coverage)

b. Daily

Precipitation	(inches)
Influent Flow	(million gallons per day)

c. QuarterlyNotes

Influent BOD ₅	(mg/L)	(1)
Influent TSS	(mg/L)	(1)
Influent pH	(S.U.)	(1) (5)

d. Prior to Discharge (pond contents)

BOD ₅	(mg/L)	(2)
TSS	(mg/L)	(2)
E. Coli	(E. coli/100 ml)	(3) (8) (9) (10)
D.O.	(mg/L)	(4) (5)
pH	(S.U.)	(4) (5)

e. During Discharge

Effluent Flow	(million gallons per day)	
Effluent BOD ₅	(mg/L)	(6) (7)
Effluent TSS	(mg/L)	(6) (7)
Effluent E. Coli	(E. coli/100 ml)	(6) (7) (8) (9) (10)
Effluent D.O.	(mg/L)	(5) (6) (7)
Effluent pH	(S.U.)	(5) (6) (7)
Effluent Ammonia (NH ₃ -N)	(mg/L)	(6) (7)
Effluent Phosphorus (P)	(mg/L)	(6) (7)

Final Monitoring Requirements - Continued

Notes:

- (1) A four-hour composite sample (except for pH, which will be a grab sample) shall be collected and analyzed at least four times a year. Samples shall be collected in the sewer system prior to the primary cell. Unless a more representative time interval can be established, this composite shall be collected between 10:00 A.M. and 2:00 P.M.

A four-hour composite sample means a combination of at least four sample aliquots of at least 100 milliliters collected at periodic intervals during the above specified time.

- (2) Discharge is to be during the high flow periods in the spring and fall of each year with no discharge between the period from July 1 through September 15 and January 1 through February 28. In addition, there shall be no discharge during periods of significant ice cover on the receiving stream unless authorized by EPA. There shall be no discharge at any other time of the year without prior authorization from the EPA, Region 5 office. No more than two weeks prior to a proposed discharge, a composite sample shall be collected and consist of equal portions of grab samples from at least four different side locations throughout the pond to be discharged. The grab samples shall be collected no less than 8 feet from the dike and 1 foot below the liquid surface without agitating the bottom sediment. The results of the analyses must be reported to the EPA Water Enforcement and Compliance Assurance Branch, (312) 886-6705 when requesting authorization to discharge.
- (3) At least one grab sample shall be collected no less than 8 feet from the dike and 1 foot below the liquid surface and shall be reported as in (2) above.
- (4) Grab samples shall be collected within 24 hours prior to the time of request for authorization to discharge.
- (5) Analyze immediately.
- (6) Grab samples shall be collected and analyzed at least two times per week during periods of pond discharge.
- (7) The effluent grab samples shall be collected from the secondary cell outlet control structure.
- (8) Monitoring is only required May through October annually.
- (9) The analytical method that should be used is the *Improved Enumeration Methods for the Recreational Water Quality Indicators: Enterococci and Escherichia coli* (EPA/821/R-97/004, March 2000).
- (10) Geometric mean. (See Part II, Section E.7.b.)

Discharge velocity shall be limited so as not to create a shock load on the receiving waters nor disturb bottom sediment in the secondary cell in the area of the intake to the outfall, and in no case shall the secondary cell drawdown rate exceed 6 inches per day.

C. Special Conditions

1. Representative samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
2. Reporting - The permittee shall record all monitoring results required by Part I.A. and I.B. on Discharge Monitoring Report (DMR) forms and Monthly Operation Report (MOR) forms.

The permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected", "undetected", "below detection limit" and "zero" are unacceptable reporting results, and are permit reporting violations.

The DMR and MOR forms shall be mailed to the EPA on a quarterly basis, and postmarked no later than the 21st day of the month following the quarter for which the monitoring was completed. The permittee shall retain a copy of all reports submitted. All reports shall be mailed to:

U.S. Environmental Protection Agency
Water Division - Water Enforcement and Compliance Assurance Branch
Attention: Chief, Compliance Section - WC-15J
77 West Jackson Boulevard
Chicago, Illinois 60604

3. The treatment plant shall be operated by a Wisconsin certified operator for the class of wastewater treatment provided.
4. Pretreatment Requirements
 - a. The permittee shall comply with all applicable requirements 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee's facility, its treatment process, or its sludge process or disposal, which contributes to the violation of the conditions of this permit or any federal, state, or local law or regulation.
 - b. The permittee shall prohibit the discharge of the following to its wastewater treatment facility (WWTF):
 - i. pollutants which create a fire or explosion hazard, including any discharge with a flash point less than 60 degrees C (140 degrees F);
 - ii. pollutants which would cause corrosive structural damage, including any waste stream with a pH of less than 5.0;
 - iii. solid or viscous pollutants which would obstruct flow;
 - iv. heat that would inhibit biological activity, including any discharge that would cause the temperature of the waste stream at the WWTF to exceed 40 degrees C (104 degrees F);

- v. pollutants which produce toxic gases, vapors, or fumes that may endanger the health or safety of workers; or
- vi. new sources of non-contact cooling waters, unless there are no cost-effective alternatives.
- c. The permittee shall prohibit new discharges of non-contact cooling waters unless there are no cost-effective alternatives. Existing discharges of non-contact cooling water to the WWTF shall be eliminated, where elimination is cost-effective, or where an infiltration/inflow analysis and sewer system evaluation survey indicates the need for such removal.
- d. If the permittee accepts trucked-in wastes, the permittee shall evaluate the trucked in waste prior to acceptance in the same manner as it monitors sewerage wastes. The permittee shall accept trucked-in wastes only at specifically designated points.
- e. Control of Significant Industrial Users (SIUs)
 - i. The permittee shall impose pretreatment requirements on SIUs which will ensure compliance with all applicable effluent limitations and other requirements set forth in this permit, or any applicable federal, state, or local law or regulation. These requirements shall be applied to SIUs by means of an individual control mechanism.
 - ii. The permittee shall make no agreement with any user that would allow the user to contribute an amount or strength of wastewater that would cause violation of any limitation or requirement in this permit, or any applicable federal, state, or local law or regulation.
- f. Monitoring of Significant Industrial Users - The permittee shall obtain from SIUs specific information on the quality and quantity of the SIUs discharges to the permittee's WWTF. Except where specifically requested by the permittee and approved by EPA, this information shall be obtained by means of representative monitoring conducted by the permittee or by the SIU under requirements imposed by the Permittee in the SIU's individual control mechanism. Monitoring performed to comply with this requirement shall include all pollutants for which the SIU is significant and shall be done at a frequency commensurate with the significance of the SIU.
- g. Reporting and Notification
 - i. If a SIU discharges to the WWTF during a given calendar year, the permittee shall submit a Pretreatment Annual Report for that calendar year, due by January 31 of the following year. The Pretreatment Annual Report shall include:
 - A. the name, address, and telephone number of the permittee's primary pretreatment contact, and the names and phone numbers of any other individuals who should be contacted regarding aspects of the pretreatment program;

- B. a description of changes or proposed changes in the permittee's pretreatment program, including changes to its legal authority (sewer use ordinance), Industrial User Individual Control Mechanisms, or pretreatment program procedures;
 - C. an updated listing of the permittee's SIUs with additions and deletions noted and reasons given for deletions;
 - D. a summary of all monitoring data for SIUs, including all industrial self monitoring and all monitoring of industrial users by the permittee;
 - E. a summary of all inspections of industrial users performed by the permittee, violations by industrial users of any requirements imposed by the permittee, and enforcement actions taken against industrial users by the permittee; and
 - F. a description of any interferences, upsets or operational problems at the facility, and any increased or unusual levels of pollutants discharged or contained in sludge. The description shall include an evaluation of possible causes and an assessment of the effectiveness of the pretreatment program in preventing interference, pass-through of pollutants, and contamination of sludge.
- ii. The permittee shall notify the EPA in writing of any:
- A. SIU of the permittee's WWTF which has not been previously disclosed to the EPA;
 - B. anticipated or actual changes in the volume or quality of discharge by an industrial user that could result in the industrial user becoming an SIU as defined in this permit; or
 - C. anticipated or actual changes in the volume or quality of discharges by a SIU that would require changes to the SIU's individual control mechanism.
- This notification shall be submitted as soon as possible and, where changes are proposed, must be submitted prior to changes being made.
- iii. Upon notifying the EPA of a SIU or change in a SIU discharge as required above, the permittee shall submit the following for approval:
- A. the control mechanism that will be used to control the SIU;
 - B. a characterization of the SIU's discharge;
 - C. a load balance for all pollutants for which the SIU is significant, showing the derivation of the limits to be applied to the SIU and the loading to the treatment works by the SIU and other users of the treatment works; and

- D. a plan for monitoring the SIU which is consistent with monitoring requirements in this permit.
 - iv. In addition, the permittee shall, upon request, submit the following to the EPA for approval:
 - A. the permittee's legal authority to be used for regulating the SIU; and
 - B. the permittee's procedures for enforcing the requirement imposed on the SIU.
 - v. This permit may be modified to require development of a pretreatment program approvable under the Federal General Pretreatment Regulation (40 CFR Part 403).
5. Sludge Disposal Requirements
- a. During the term of this permit, it is not expected that sludge/solids will have to be removed from the treatment system for use or disposal. If, however, sludge/solids has to be removed during the term of this permit, thirty days prior to the removal of any sludge/solids from the treatment system, the permittee shall inform in writing, EPA at the address in Part I.C.2 its method of sludge disposal. The information shall include any and all contracts, agreements, schedules, and any other information that may be relevant to the disposal of sludge. The permit may be modified with public notice, to include additional requirements.
 - b. Duty to Mitigate. The permittee shall take all reasonable steps to minimize any sludge use or disposal in violation of this permit.
 - c. Sludge monitoring must be conducted according to test procedures specified in 40 CFR 503.
 - d. Planned Changes. The permittee shall give notice to the EPA as soon as possible of any changes in sludge use and disposal.
 - e. The permittee shall retain records of all monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities for a period of at least 5 years.
 - f. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or Part 503, the results of this monitoring shall be included in the reporting of data submitted to the Agency.
 - g. The permittee shall comply with existing federal regulations governing sewage sludge disposal.
 - h. This permit may be reopened to incorporate any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Act.

- i. The permittee shall comply with standards for sewage sludge use or disposal established under Section 405(d) of the Act within the time provided in the regulations that establish the standards for sewage sludge use or disposal even if the permit has not been modified to incorporate the requirement.
 - j. The permittee shall ensure that the applicable requirements in 40 CFR 503 are met when the sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.
6. In addition to the requirements of Part II, Section B.1, the permittee shall ensure that vegetation on the dikes is cut and the dikes are maintained.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violation of Permit Conditions

The Permit Issuing Authority will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: December 31, 1996, Volume 61, Number 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, Number 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

a. Criminal

- (1) Negligent Violations The Act provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- (2) Knowing Violations The Act provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
- (3) Knowing Endangerment The Act provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

- b. Civil Penalties** - The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

- c. Administrative Penalties** - The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

- (1) Class I penalty Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.
- (2) Class II penalty Not to exceed \$11,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$137,500.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, terminated or revoked for cause (as described in 40 CFR 122.62 et. seq) including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any conditions that requires either temporary interruptions or elimination of the permitted discharge; or
- d. Information newly acquired by the Agency indicating the discharge poses a threat to human health or welfare.

If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance under 40 CFR 122.62, the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Toxic Pollutants

Notwithstanding Paragraph A-4, above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Part II, Section B, Paragraph B-3, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. State/Tribal Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of Federal, State, Tribal, or local laws or regulations.

10. Onshore or Offshore Construction

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any waters of the United States.

11. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

12. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Permit Issuing Authority, upon request, copies of records required to be kept by this permit.

13. Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee may petition the Environmental Appeals Board to review any condition of the permit decision. The petition should be sent to the following address:

Environmental Appeals Board, MC 1103B
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The petition shall include a statement of the reasons supporting that review in accordance with 40 CFR Part 124.19(a).

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass means the intentional diversion of waste streams from any portion of a treatment facility, which is not a designed or established operating mode for the facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraph c. and d. of this section.

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten 10 days before the date of the bypass, including an evaluation of the anticipated quality and effect of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-8 (24-hour notice).

d. Prohibition of bypass.

- (1) Bypass is prohibited and the Permit Issuing Authority may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notice as required under Paragraph c. of this section.
- (2) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph d. (1) of this section.

4. Upsets

"Upsets" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonably control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit limitation if the requirements of 40 CFR 122.41(n)(3) are met.

5. Removed Substances

This permit does not authorize discharge of solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater to waters of the United States unless specifically limited in Part I.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ± 10 percent from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs, or pump hours meters as specified in Part I of this permit, and based on the manufacturer's pump curves, shall not be subject to this requirement. Guidance in selection, installation, calibration, and operation of acceptable flow measurements devices can be obtained from the following references:

- (1) "A Guide of Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, and Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)
- (2) "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.)
- (3) "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
- (4) "NPDES Compliance Flow Measurement Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MOD-77, September 1981, 135 pp. (Available

from the General Services Building 41, Denver Federal Center, Denver, CO 80225.)

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See Section 309(c)(4) of the Clean Water Act).

5. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by the Permit Issuing Authority at any time.

6. Records Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

7. Inspection and Entry

The permittee shall allow the Permit Issuing Authority, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times the facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at

any location.

SECTION D. REPORTING REQUIREMENTS

1. Change in Discharge

The permittee shall give notice to the Permit Issuing Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source; or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D, Paragraph D-10(a).

2. Anticipated Noncompliance

The permittee shall give advance notice to the Permit Issuing Authority of any planned change in the permitted facility or activity which may result in noncompliance with permit requirements. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Permit Issuing Authority.

3. Transfer of Ownership or Control

A permit may be automatically transferred to another party if:

- a. The permittee notifies the Permit Issuing Authority of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and
- c. The Permit Issuing Authority does not notify the existing permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b.

4. Monitoring Reports

See Part I.C.2 of this permit.

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of this data submitted in the Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated.

6. Averaging of Measurements

Calculations for limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Permit Issuing Authority in the permit.

7. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule data. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

8. Twenty-Four Hour Reporting

The permittee shall orally report any noncompliance which may endanger health or the environment, within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Permit Issuing Authority may verbally waive the written report, on a case-by-case basis, when the oral report is made.

The following violations shall be included in the 24-hour report when they might endanger health or the environment.

- a. An unanticipated bypass which exceeds any effluent limitation in the permit
- b. Any upset which exceeds any effluent limitation in the permit.

9. Other Noncompliance

The permittee shall report, in narrative form, all instances of noncompliance not previously reported under Section D, Paragraphs D-2, D-4, D-7, and D-8 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D-8.

10. Changes In Discharges of Toxic Substances

The permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not listed in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) One hundred micrograms per liter (100 ug/L);
 - (2) Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2, 4-dinitrophenol and for 2 methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony; or
 - (3) Five (5) times the maximum concentration value reported for that pollutant(s) in the permit application.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant (listed at 40 CFR 122, Appendix D. Table II and III) which is not limited in the permit, if that discharge

will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 ug/L);
- (2) One milligram per liter (1 mg/L) for antimony; or
- (3) Ten (10) times the maximum concentration value reported for that pollutant(s) in the permit application.

11. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The Permit Issuing Authority may grant permission to submit an application less than 180 days in advance but not later than the permit expiration date.

Where EPA is the Permit Issuing Authority, the terms and conditions of this permit are automatically continued in accordance with 40 CFR 122.6, only where the permittee has submitted a timely and sufficient application for a renewal permit and the Permit Issuing Authority is unable through no fault of the permittee to issue a new permit before the expiration date.

12. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified.

a. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy - or decision making functions for the corporation, or
- (2) the manager of one manufacturing production or operating facility employing more than 250 persons or having gross annual sales of expenditures exceeding 25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (3) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (4) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official.

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized representative only if:

- (1) The authorization is made in writing by a person described above;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named

individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Permit Issuing Authority.

c. Certification. Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachment were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including, the possibility of fine and imprisonment for knowing violations."

13. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Permit Issuing Authority. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

14. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under the Act, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See Section 309(c)(4) of the Clean Water Act).

SECTION E. DEFINITIONS

1. Permit Issuing Authority

The Regional Administrator of EPA Region 5 or his designee, unless at some time in the future the Tribe receives authority to administer the NPDES program and assumes jurisdiction over the permit; at which time, the Director/Chairman of the Tribal program receiving authorization becomes the issuing authority.

2. Act

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.

3. Mass/Day Measurements

a. The "30-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges samples and/or measured during such period. It is therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the consecutive 30 day period and then dividing this sum by the number of days the tests were reported. The limitation is identified as "Daily Average" or "30-day Average" in Part I of the permit and the

average monthly discharge value is reported in the "Average" Column under "Quantity" on the Discharge Monitoring Report (DMR).

- b. The "7-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the consecutive 7 day period and then dividing this sum by the number of days the tests were reported. This limitation is identified as "7-day Average" in Part I of the permit and the highest average weekly discharge value is reported in the "Maximum" column under "Quantity" on the DMR.
- c. The "maximum daily average" is the total mass (weight) of a pollutant discharge during a calendar day. If only one sample is taken during any calendar day, the weight of pollutant calculated from it is the "maximum daily discharge". This limitation is identified as "Daily Maximum", in Part I of the permit and one highest such value recorded during the reporting period is reported in the "Maximum" column under "Quantity" on the DMR.
- d. The "average annual discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar year on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such year. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the year and then dividing the sum by number of days the test were reported. This limitation is defined as "Annual Average" in Part I of the permit and the average annual discharge value is reported in the "Average" column under "Quantity" on the DMR. The DMR for this report shall be submitted in January for the previous reporting calendar year.

4. Concentration Measurements

- a. The "30-day average concentration", other than for Fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during a calendar day. The 30-day average count for Fecal coliform bacteria is the geometric mean of the counts for samples collected during a consecutive 30 day period. This limitation is identified as "30-day Average" or "Daily Average" in Part I of the permit and the average monthly concentration value is reported under the "Average" column under "Quality" on the DMR.
- b. The "7-day average concentration", other than for Fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration value). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The 7-day average count for Fecal coliform bacteria is the geometric mean of the counts for samples collected during a consecutive 7 day period. This limitation is identified as "7-day Average" in Part I of the permit and the highest 7-day average concentration value is reported under the "Maximum" column under "Quality" on the DMR.
- c. The "maximum daily concentration" is the concentration of a pollutant discharge

during a calendar day. It is identified as "Daily Maximum" in Part I of the permit and the highest such value recorded during the reporting period is reported under the "Maximum" column under "Quality" on the DMR.

- d. The "average annual concentration", other than for Fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar year on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such year (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all samples collected during that calendar day. The average yearly count for Fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar year. This limitation is identified as "Annual Average" in Part I of the permit and the average annual concentration value is reported under the "Average" column under "Quality" on the DMR. The DMR for this report shall be submitted in January for the previous reporting year.

5. Other Measurements

- a. The effluent flow expressed as M³/day (MGD) is the 24 hour average flow averaged monthly. It is the arithmetic mean of the total daily flows recorded during the calendar month. Where monitoring requirements for flow are specified in Part I of the permit the flow rate values are reported in the "Average" column under "Quantity" on the DMR.
- b. An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
- c. Where monitoring requirements for pH, dissolved oxygen or Fecal coliform bacteria are specified in Part I of the permit, the values are generally reported in the "Quality of Concentration" column on the DMR.

6. Types of Samples

- a. Composite Sample: A "composite sample" is a combination of not less than 8 influent or effluent portions, of at least 100 ml, collected over the full time period specified in Part I.A. The composite sample must be flow proportioned by either time interval between each aliquot or by volume as it relates to effluent flow at the time of sampling of total flow since collection of the previous aliquot. Aliquots may be collected manually or automatically.
- b. Grab Sample: A "grab sample" is a single influent or effluent portion of at least 100 ml which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the total discharge.

7. Calculation of Means

- a. Arithmetic Mean: The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.
- b. Geometric Mean: The geometric mean of any set of values is the Nth root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).
- c. Weighted by Flow Value: Weighted by flow value means the summation of each concentration times its respective flow divided by the summation of the respective flows.

8. Calendar Day

A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

9. Hazardous Substance

A hazardous substance means any substances designed under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

10. Toxic Pollutant

A toxic pollutant is any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

11. Significant Industrial User

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR Part 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR Part 403.8(f)(6)).

12. Chief of the NPDES Programs Branch

The Chief of the NPDES Programs Branch of EPA Region 5 is located at the EPA, Region 5 Office, NPDES Programs Branch, WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone: 312-353-2124.